

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CHAMBERS OF
ESTHER SALAS
UNITED STATES MAGISTRATE JUDGE

MARTIN LUTHER KING COURTHOUSE
50 WALNUT ST.
ROOM 2060
NEWARK, NJ 07101
973-297-4887

LETTER OPINION & ORDER

March 1, 2007

VIA FACSIMILE (201) 461-2434

Christian P. Stuben, Esq.
2455 Lemoine Ave.
Fort Lee, NJ 07024

Mark R. Galdieri, Esq.
Drinker Biddle & Reath
500 Campus Drive
Florham Park, NJ 07932

Re: Vazquez v. Walt Disney World Hospitality & Recreation Corp.
Civil Action No. 06-5943 (HAA)

Dear Counsel:

The undersigned received: (1) plaintiff's opposition to defendant's motion to dismiss for lack of personal jurisdiction, and (2) Mr. Galdieri's request (with the consent of plaintiff's counsel) for additional time to file defendant's reply papers. After reviewing the same, the Court will: (1) consider plaintiff's opposition to defendant's motion to dismiss for lack of personal jurisdiction "filed," and (2) extend the deadline for defendant to file its reply papers until March 16, 2007.

Federal Rule of Civil Procedure 5(e) empowers district courts to mandate electronic filing of papers. Fed. R. Civ. P. 5(e). The local rules of this Court set forth the filing procedures that govern motion practice. *See Matsushita Elec. Industrial Co., Ltd. v. Samsung Electronics Co., Ltd.*, 2006 WL 2096373 (D.N.J. 2006) (Brown, C.J.). Local Civil Rule 7.1(b)(1) provides that attorneys must present and defend, "all motions, regardless of their complexity and the relief sought" in the manner stated in Local Civil Rule 7.1. L. Civ. R. 7.1(b). Local Civil Rule 7.1(b)(2) provides that "all papers in support of or in opposition to the motion, including briefs, must be filed with the Clerk." L. Civ. R. 7.1(b)(2). Under the current local rules, "[m]otions in any matter subject to mandatory electronic filing must be filed electronically and comply with the policies and procedures governing electronic case filing." L. Civ. R. 7.1, cmt. 4(a)(1).

Letter to Messrs. Stuben and Galdieri

March 1, 2007

Page -2-

Thus, plaintiff's counsel did not properly file plaintiff's opposition papers. Instead of complying with the aforementioned procedures, plaintiff's counsel mailed a paper copy of plaintiff's opposition papers to the undersigned. Notwithstanding plaintiff's procedural transgression, the undersigned's Chambers scanned said papers onto the CM/ECF system.

While loathe to condone conduct that runs afoul of our Local Civil Rules, the Court will consider plaintiff's opposition papers filed. In light of the Third Circuit's mandate to adjudicate matters on the merits, rather than the technicalities, plaintiff's opposition to defendant's motion to dismiss shall remain on the docket. However, forewarned is forearmed and the Court will not tolerate subsequent failure to comply with its mandatory electronic filing.

SO ORDERED.

s/Esther Salas

Esther Salas, U.S.M.J

cc: Clerk
Hon. Harold A. Ackerman, U.S.D.J.
File